**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO. 4125 OF 2005**
**ALONGWITH**
**CRIMINAL APPLICATION NO. 4126 OF 2005**
**ALONGWITH**
**CRIMINAL APPLICATION NO. 4128 OF 2005**
**ALONGWITH**
**CRIMINAL APPLICATION NO. 4129 OF 2005**
**ALONGWITH**
**CRIMINAL APPLICATION NO. 4130 OF 2005**
**ALONGWITH**
**CRIMINAL APPLICATION NO. 4131 OF 2005**

Madhukar N. Bathia ...Applicant

Versus

Chandrakant N. Ganatrai & Ors ...Respondents

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Mr. C.R. Sawant, Advocate for Applicant.

Mr. D.P. Adsule, A.P.P. for State in 4125/05.
Mr. V.B. Konde Deshmukh, A.P.P. in 4126 & 4131/05
Ms. S.V. Gajare,A.P.P. in 4128/05.
Mr. Rajesh More, A.P.P. in 4129/05.
Mr. S.R. Shinde, A.P.P. in 4130/05.

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**CORAM: SMT. V.K. TAHILRAMANI, J.**

**DATED: 26TH JULY, 2005**

**P. C.:-**

1. Heard the learned advocate for the applicant and the learned A.P.P. for the State. None appears for respondents 1 to 3 though served. The acknowledgement in respect of service is taken on record.

2. The applicant has prayed for quashing of

complaint Nos.911/2004, 915/2004, 914/2004, 912/2004, 916/2004 and 913/2004 which are pending in the Court of learned J.M.F.C. at Kalyan. In the said case, process has been issued against the applicant under Section 138 of Negotiable Instruments Act. The learned advocate for the applicant submitted that the learned Magistrate committed an error in issuing process and the said process deserves to be set aside. If the process issued against the applicant is set aside, the proceedings in respect of the applicant would come to an end.

3. The applicant had preferred an application before the learned Magistrate for recall of process, however, in view of the decision of the Supreme Court in the case of **Adalat Prasad Vs. Rooplal Jindal & Ors. 2004 (4) Mh.L.J. 274**, the said application was not pressed and the applicant has approached this Court under Section 482 of Cr.P.C.

4. However, in my view, for the reasons recorded in my order dated 13th June, 2005 passed in Criminal Writ Petition No.213 of 2005 and order dated 21st June, 2005 passed in Criminal Application No. 550 of 2005, the applicant has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my opinion, it would be appropriate that the applicant prefers revision

before the concerned Sessions Court against the order of the Magistrate issuing process.

5. Liberty is granted to the applicant to prefer revision before the concerned Sessions Court. The learned advocate for the applicant states that the necessary revision would be preferred within a period of four weeks from today. In view of this statement, the trial Court shall not proceed with the trial for a period of four weeks from today.

6. On the necessary revision being preferred by the applicant before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing necessary parties.

7. Applications are disposed of.

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